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	UNITED STATES DISTRICT COURT						
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		DISTRICT COURT LIFORNIA, SAN JOSE DIVISION					
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17 18	NORTHERN DISTRICT OF CA	LIFORNIA, SAN JOSE DIVISION  CASE NO. C 08-4561 RMW (PR)  STIPULATION AND   PROPOSED					
17 18 19 20	NORTHERN DISTRICT OF CA REUBEN JOSEPH REYES,	LIFORNIA, SAN JOSE DIVISION  CASE NO. C 08-4561 RMW (PR)					
17 18 19 20 21	NORTHERN DISTRICT OF CA  REUBEN JOSEPH REYES,  Plaintiff,	LIFORNIA, SAN JOSE DIVISION  CASE NO. C 08-4561 RMW (PR)  STIPULATION AND [PROPOSED] ORDER CONTINUING THE TRIAL					
17 18 19 20 21	NORTHERN DISTRICT OF CA  REUBEN JOSEPH REYES,  Plaintiff,  vs.	LIFORNIA, SAN JOSE DIVISION  CASE NO. C 08-4561 RMW (PR)  STIPULATION AND [PROPOSED] ORDER CONTINUING THE TRIAL DATE  [Civil Local Rules 6-2 and 7-12]					
17 18 19 20 21 22 23	NORTHERN DISTRICT OF CA  REUBEN JOSEPH REYES,  Plaintiff,  vs.  ROBERT A. HOREL, et al.,	LIFORNIA, SAN JOSE DIVISION  CASE NO. C 08-4561 RMW (PR)  STIPULATION AND [PROPOSED]  ORDER CONTINUING THE TRIAL DATE					
17 18 19 20 21 22 23 24	NORTHERN DISTRICT OF CA  REUBEN JOSEPH REYES,  Plaintiff,  vs.  ROBERT A. HOREL, et al.,	LIFORNIA, SAN JOSE DIVISION  CASE NO. C 08-4561 RMW (PR)  STIPULATION AND [PROPOSED] ORDER CONTINUING THE TRIAL DATE  [Civil Local Rules 6-2 and 7-12]					
17 18 19 20 21 22 23 24 25	NORTHERN DISTRICT OF CA  REUBEN JOSEPH REYES,  Plaintiff,  vs.  ROBERT A. HOREL, et al.,	LIFORNIA, SAN JOSE DIVISION  CASE NO. C 08-4561 RMW (PR)  STIPULATION AND [PROPOSED] ORDER CONTINUING THE TRIAL DATE  [Civil Local Rules 6-2 and 7-12]					
17 18 19 20 21 22 23 24 25 26	NORTHERN DISTRICT OF CA  REUBEN JOSEPH REYES,  Plaintiff,  vs.  ROBERT A. HOREL, et al.,	LIFORNIA, SAN JOSE DIVISION  CASE NO. C 08-4561 RMW (PR)  STIPULATION AND [PROPOSED] ORDER CONTINUING THE TRIAL DATE  [Civil Local Rules 6-2 and 7-12]					
17 18 19 20 21 22 23 24 25 26 27	NORTHERN DISTRICT OF CA  REUBEN JOSEPH REYES,  Plaintiff,  vs.  ROBERT A. HOREL, et al.,	LIFORNIA, SAN JOSE DIVISION  CASE NO. C 08-4561 RMW (PR)  STIPULATION AND [PROPOSED] ORDER CONTINUING THE TRIAL DATE  [Civil Local Rules 6-2 and 7-12]					
17 18 19	REUBEN JOSEPH REYES, Plaintiff, vs. ROBERT A. HOREL, et al., Defendants.	LIFORNIA, SAN JOSE DIVISION  CASE NO. C 08-4561 RMW (PR)  STIPULATION AND [PROPOSED] ORDER CONTINUING THE TRIAL DATE  [Civil Local Rules 6-2 and 7-12]					

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1. The following stipulation requests that the March 29, 2012 pretrial conference be moved to May 24, 2012, and the April 9, 2012 trial date be moved to June 4, 2012, in order to allow for the Court to issue a ruling on Defendants' renewed summary judgment motion before the parties submit certain pre-trial filings.

## **STIPULATION**

Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiff Reuben Reyes and Defendants Horel, Terry, Chadwick, Harrison, Fischer, and Berkler, by and through their respective counsel, stipulate and request as follows:

- 1. WHEREAS, on October 12, 2011, the Court issued a Case Management Scheduling Order (Docket No. 111), scheduling the pretrial conference for March 29, 2012, and the trial date for April 9, 2012;
- 2. WHEREAS, the Court has not yet issued a ruling on Defendants' renewed summary judgment motion, which was argued on February 17, 2012;
- 3. WHEREAS, with respect to Civil L.R. 6-2(a)(1), the parties have conferred regarding particular reasons that moving the April 9, 2012 trial date to June 4, 2012 is mutually-agreeable, including that the scope of the issues to be adjudicated during trial will not be made clear until the Court has ruled on Defendants' summary judgment motion;
- 4. WHEREAS, with respect to Civil L.R. 6-2(a)(2), the previous time modifications in this action include: a) Defendants' motion to change time for filing a dispositive motion, which was granted by this Court on April 15, 2009 (Docket No. 21); b) a second motion to change time filed by Defendants in order to enable Defendant Chadwick to join Defendants Horel, Berkler, Harrison, and Fischer's Motion for Summary Judgment, granted by this Court on August 25, 2009 (Docket No. 65).); c) a Stipulation and [Proposed] Order Continuing: 1. Non-Expert Discovery Cut-Off; and 2. Related Deadlines (Docket No. 104), filed May 27, 2011; d) a Stipulation and [Proposed] Order Continuing: 1. Non-Expert Discovery Cut-Off; and 2. Related Deadlines (Docket No. 105), filed June 30, 2011; e) a Stipulation and [Proposed] Order Continuing: 1. Non-Expert Discovery Cut-Off; and 2. Related Deadlines (Docket No. 110), filed October 12, 2011; Stipulation and [Proposed] Order Continuing Deadline to Respond to

1	Defendants' Renewed Motion for Summary Judgment (Docket No. 119); and (f) Stipulation and				
2	[Proposed] Order Continuing Deadline to Reply to Plaintiff's Opposition to Defendants' Renewed				
3	Motion for Summary Judgment (Docket No. 126).				
4	5. WHEREAS, with respect to Civil L.R. 6-2(a)(3), a continuance of the trial				
5	date would delay the trial for less than two months;				
6	NOW, THEREFORE, IT IS HEREBY STIPULATED AND REQUESTED that the				
7	Court continue the pretrial conference from March 29, 2012 to May 24, 2012, and the trial date				
8	from April 9, 2012 to June 4, 2012. All pretrial filings before the June 4, 2012 trial date will be				
9	made in accordance with the "Standing Order re: Pretrial Preparation" filed by this Court on				
10	February 24, 2003.				
11	E-FILING ATTESTATION				
12	By his signature below, and pursuant to General Order 45, counsel for Defendants				
13	attests that counsel for all parties whose electronic signatures appear below have concurred in the				
14	filing of this Stipulation.				
15	Dated: March 1, 2012 By: _/s/ William J. Newsom				
16	Dated: March 1, 2012  By: /s/ William J. Newsom PEARSON, SIMON, WARSHAW & PENNY, LLP				
17	Attorneys for Plaintiff REUBEN JOSEPH REYES				
18					
19	Dated: March 1, 2012  By: <u>/s/ Michael J. Quinn</u> Deputy Attorney General				
20	Attorneys for Defendants FISCHER, HARRISON,				
21	HOREL, TERRY, CHADWICK, and BERKLER				
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23	<u>ORDER</u>				
24	PURSUANT TO STIPULATION, IT IS SO ORDERED.				
25	SELECT COLUMN TO THE PARTY OF T				
26	APPROVED  APPROVED  And M Whys:  Judge Round M. Whys:				
27	Dated: HDCFG The Honorable Ronald M. Whyte				
28	United States District Court Judge				

## **CERTIFICATE OF SERVICE**

Case Name: R. Re	yes v. R. Horel, et al.	No.	C 08-4561 RMW (PR)					
I hereby certify that on March 1, 2012, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:								
I certify that <b>all</b> participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.								
I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on <u>March 1, 2012</u> , at San Francisco, California.								
D. Cri Decla			s/D. Criswell Signature					

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